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FROM Susan L. Rancourt, Ph.D., LL.B.

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SEP 06 2005 Docket 50709-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:
Applicant: SEMENIUK, Lisa Group Art Unit: 3743
Serial No.: 10/707,210 Examiner: Nihir Patel
Filed: November 26, 2003
For: "METHOD AND APPARATUS FOR PREVENTING EAR ABRASION"

Honourable Commissioner of Patents
and Trademarks,
Washington, D.C. 20231,
U.S.A.

Sir:

RESPONSE

In response to the office action dated June 7, 2005, the Applicant wishes to submit remarks.

REMARKS

Claim Rejections – 35 U.S.C. 102

The Examiner has rejected claims 1-6, 10-15, 19-24, 28 and 30 under 35 U.S.C. 102 as being anticipated by Norfleet (U.S. patent no. 6,418,929). The Examiner reaches this conclusion by combining Figures 1 and 2 with that shown in Figures 3 and 4. Figures 1 and 2 are clearly labelled as prior art to Norfleet, whereas Figures 3 and 4 are embodiments of the invention of Norfleet.

It is improper for the Examiner to combine the invention disclosed in Norfleet with prior art, to reject the claims under 35 USC 102. Further, Norfleet does not teach, in any Figure, or in the accompanying text alone or combined with the Figures, one strap that has all of the features of the strap of claims 1-6, 10-15, 19-24, 28 and 30 of the present application.